IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 13TH NOVEMBER 2006 / 22ND KARTHIKA 1928

WP(C).No. 28932 of 2006(S)
---

OA.841/2005 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
.....

PETITIONERS:
---

1. UNION OF INDIA, REPRESENTED BY
   THE GENERAL MANAGER, SOUTHERN RAILWAY
   PARK TOWN P.O., MADRAS-600 003.

2. SENIOR DIVISIONAL OPERATIONS MANAGER,
   SOUTHERN RAILWAY, TRIVANDRUM DIVISION,
   TRIVANDRUM-695 014.

3. DIVISIONAL PERSONNEL OFFICER,
   SOUTHERN RAILWAY, TRIVANDRUM DIVISION,
   TRIVANDRUM-695 014.

4. MEDICAL SUPERINTENDENT
   SOUTHERN RAILWAY, TRIVANDRUM DIVISION,
   TRIVANDRUM-695 024.

BY ADV. SMT.A.RAJESWARI, SC, RAILWAYS

RESPONDENTS:
---

1. K.P. PADMANABHAN, S/O.KUNJAN PILLAI,
   BOX BOY, SOUTHERN RAILWAY, TRIVANDRUM CENTRAL,
   RESIDING AT: AMBADI, KUDAPPANKUNNU,
   THIRUVANANTHAPURAM-695 043.

2. CENTRAL ADMINISTRATIVE TRIBUNAL,
   ERNAKULAM BENCH, ERNAKULAM,
   REPRESENTED BY ITS REGISTRAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R.RAMAN & K.P.BALACHANDRAN,JJ.**

---

**W.P.(C).NO.28932 OF 2006**

---

**Dated this the 13th day of November, 2006**

**JUDGMENT**

**Raman,J.**

Petitioners are respondents in O.A.No.841/2005 on the file of the Central Administrative Tribunal, Ernakulam Bench. The Original Application was filed by the lst respondent herein seeking directions for payment of wages for the period from 31/10/2002 on the ground that while he was working in the service as a Box Boy of the Trivandrum Central Railway Station he fell sick and subsequently he also met with an accident and he was undergoing treatment in the S.P. Fort Hospital, Trivandrum. At that time show cause notice was issued to him as to why disciplinary action shall not be taken

against him for the unauthorised absence. He submitted his reply and according to him it was not properly considered and charge memos were issued to him. Subsequently, he reported for work and the petitioners did not permit him to rejoin duty. The Tribunal, in such circumstances, found that he is entitled for salary with effect from 14/1/2005. Though in the writ petition it is urged that he had no leave to his credit and he is not entitled for any salary, it is fairly submitted by the learned counsel for the petitioner that his leave was regularised and what has been ordered by the Tribunal is only to pay the salary for the period from 14/1/2005. The Tribunal has adverted to the factual contention raised by the parties and has found that the petitioners had failed to permit the

lst respondent to rejoin duty. At the same time they also did not proceed with the enquiry.

2. In the above circumstances, there is no illegality committed by the Tribunal warranting interference in a writ petition under Article 227 of the Constitution of India. We find no merit in the writ petition and it is accordingly dismissed.

**P.R.RAMAN,**
**Judge.**

**K.P.BALACHANDRAN,**
**Judge.**

kcv.